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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Wing Kwong Keung

Serial No. 10/628,521

Filed: July 28, 2003

Confirmation No.: 5164

Title: CHILD-RESISTANT FLIP-TOP DISPENSING  
CLOSURE AND PACKAGE

Attorney Docket: 17853

Group Art Unit: 3781

Examiner: R. A. Hylton

In Response To: Decision on Petition Mailed June 21, 2007 and  
Notice of Abandonment Mailed July 2, 2007

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Amy M. Bell  
(Name of Person Making Deposit)

Amy M. Bell  
(Signature)

18 July 2007  
(Date)

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED PATENT APPLICATION**

This a Petition under 37 CFR 1.137(b) to revive an unintentionally abandoned patent application.

Please charge any fees associated with this petition to Acct. No. 15-0875.

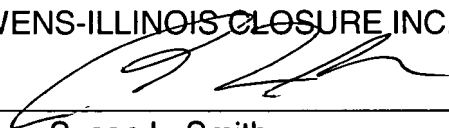
A reply to the outstanding Office Action was filed on August 8, 2006, and a supplemental reply was filed on March 29, 2007 addressing alleged deficiencies in the previous reply. A copy of such supplemental reply, entitled "Supplemental Amendment," is enclosed.

The entire delay in filing the response to the Office Action, from the due date of such response until the filing of the present petition, was unintentional. The facts and circumstances surrounding such unintentional delay are fully set forth in the Petition to Revive Unavoidably Abandoned Patent Application filed March 29, 2007. Briefly stated, the Notice of Non-Compliant Amendment apparently mailed October 27, 2006 was never received at the offices of applicant's undersigned counsel.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Wing-Kwong Keung  
Serial No. 10/628,521  
Filed: July 28, 2003  
Confirmation No. 5164  
Title: CHILD-RESISTANT FLIP-TOP DISPENSING CLOSURE AND PACKAGE  
Attorney Docket: 17853  
Group Art Unit: 3727  
Examiner: R. A. Hylton  
In Response to: Office Action Mailed April 6, 2006 and Notice Apparently mailed October 27, 2006



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\_\_\_\_\_  
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*Diana Castillo*  
(Signature)

\_\_\_\_\_  
March 27, 2007  
(Date)

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**SUPPLEMENTAL AMENDMENT**

## **AMENDMENTS TO THE SPECIFICATION**

Cancel the paragraph at page 3, lines 2-20, and replace with the following:

--FIG. 1 illustrates a child-resistant closure and container package 20 in accordance with one presently preferred embodiment of the invention as comprising a container 22 and a dispensing closure 24 secured to the container finish. Container 22 has a body 26 of flexible resilient construction, preferably molded plastic construction, that may be squeezed by a user to dispense product through closure 24 from within the container. Referring to FIGS. 1-8, closure 24 includes a base 28 having a deck 30 and a peripheral skirt 32. Skirt 32 has one or more internal threads or beads 34 for securement over one or more external threads or beads on the finish of container 22. A discharge or dispensing opening 36 is formed in deck 30, preferably although not necessarily by an annular upwardly extending wall. (Directional words such as "upward" and "downward" are employed by way of description and not limitation with respect to the upright orientation of the package and closure illustrated, for example, in FIGS. 1-2 and 4-6. Directional words such as "radial," "axial" and "lateral" are employed by way of description and not limitation with respect to the central axis of the closure skirt.) A cover or lid 38 is coupled to base 28 by a hinge 40 that extends between lid 38 and base 28, preferably but not necessarily between the periphery of lid 38 and the periphery of base 28. Closure 24, including base 28 and lid 38, preferably is of integrally molded plastic construction. In the embodiment of closure 24 illustrated in FIGS. 3- 8, an annular wall 42 extends from the base wall 44 of lid 38 for plug-sealing engagement within dispensing opening 32 in the closed position of lid 38 overlying deck 30 of base 28.--

## **AMENDMENTS TO THE CLAIMS**

### **1. (Currently Amended)**

1 A child-resistant ~~dispensing~~ closure that includes:

2 a base having a ~~deck with a~~ dispensing opening and a peripheral skirt  
3 ~~extending from said deck,~~

4 a lid molded integrally with said base and coupled by a hinge to said base so  
5 as to be pivotable about said hinge between a closed position ~~overlying said deck~~ adjacent  
6 to said dispensing opening and an open position spaced from said ~~deck~~ dispensing  
7 opening,

8 one of said base and said lid having a latch arm resiliently extending from a  
9 periphery thereof diametrically opposite said hinge, said latch arm having a pair of opposite  
10 extending tabs adjacent to a free end thereof,

11 the other of said base and said lid having an axial passage for receiving said  
12 latch arm and a pair of laterally spaced ledges in said passage for engagement by said  
13 tabs to lock said lid in said closed position,

14 said latch arm being directly manually engageable by a user from a radial  
15 direction external to said closure to pivot said latch arm radially inwardly within said  
16 passage and release said tabs from said ledges so that said lid can be pivoted to said  
17 open position, and

18 cam surfaces on said ledges, said tabs on said latch arm, or both said ledges  
19 and said tabs, for flexing said resilient latch arm to snap said tabs over said ledges as said  
20 lid is pivoted to said closed position.

**2. (Original)**

1           The closure set forth in claim 1 wherein said latch arm resiliently extends  
2   from a periphery of said lid diametrically opposite said hinge, and wherein said passage  
3   in said base is radially open at said skirt.

**3. (Original)**

1           The closure set forth in claim 2 wherein said ledges in said passage radially  
2   open at said skirt such that said latch arm may extend outside of said skirt as said lid is  
3   moved toward said closed position and then snap radially inwardly beneath said ledges  
4   due to resilience of said latch arm and connection between said latch arm and said lid.

**4. (Cancelled)**

**5. (Original)**

1           The closure set forth in claim 3 wherein said lid includes an internal rib on  
2   said latch arm for strengthening resilient coupling of said latch arm to said lid.

**6. (Withdrawn)**

1           The closure set forth in claim 1 wherein said latch arm resiliently extends  
2   from said base at a position diametrically opposite said hinge.

7. (Withdrawn - Currently Amended)

1           The closure set forth in claim 6 wherein said latch arm is resiliently coupled  
2   to said skirt at a position spaced from said dispensing opening, deck, said base having an  
3   open pocket in said skirt behind said latch arm to accommodate pivotal movement of said  
4   latch arm to release said lid.

8-9 (Cancelled)

10. (Original)

1           A child-resistant dispensing closure that includes:  
2           a base having a deck with a dispensing opening and a peripheral skirt  
3   extending from said deck,  
4           a lid molded integrally with said base and coupled by a hinge to a periphery  
5   of said base so as to be pivotable about said hinge between a closed position overlying  
6   said deck and an open position spaced from said deck,  
7           a latch arm resiliently coupled to a periphery of said lid diametrically opposite  
8   said hinge, said latch arm being T-shaped having a center leg coupled to said lid and a pair  
9   of tabs extending laterally oppositely from a free end of said leg, and  
10          an axial passage on said base for receiving said latch arm, said passage  
11   being radially open at said skirt and having a pair of laterally spaced ledges for  
12   engagement by said tabs to lock said lid in said closed position,  
13          said latch arm being directly manually engageable by a user from a radial  
14   direction external to said base to flex said latch arm radially inwardly into said passage and

15 release said tabs from engagement with said ledges so that said lid can be pivoted to said  
16 open position.

11. (Original)

1 The closure set forth in claim 10 wherein said ledges in said passage radially  
2 open at said skirt such that said latch arm may extend outside of said skirt as said lid is  
3 moved toward said closed position and then snap radially inwardly beneath said ledges  
4 due to resilience of said latch arm and connection between said latch arm and said lid.

12. (Currently Amended)

1 The closure set forth in claim 11 further comprising cam surfaces on said skirt  
2 adjacent to said open passage in said skirt for engagement by said tabs on said latch arm  
3 to cam said latch arm radially outwardly as said lid is ~~moved~~ pivoted toward said closed  
4 position.

13. (Original)

1 The closure set forth in claim 12 wherein said lid includes an internal rib on  
2 said latch arm for strengthening resilient coupling of said latch arm to said lid.



14. (Withdrawn)

1 A child-resistant dispensing closure that includes:

2 a base having a deck with a dispensing opening and a peripheral skirt  
3 extending from said deck,

4 a lid molded integrally with said base and coupled to said base by a hinge so  
5 as to be pivotable about said hinge between a closed position overlying said deck and an  
6 open position spaced from said deck,

7 a latch arm resiliently coupled to said skirt at a position spaced from said  
8 deck, said latch arm being T-shaped having a center leg coupled to said skirt and a pair  
9 of tabs extending laterally oppositely from a free end of said leg, and

10 an axial passage in said lid for receiving said latch arm, said passage having  
11 a pair of laterally spaced ledges for engagement by said tabs to lock said lid in said closed  
12 position,

13 said latch arm being directly manually engageable by a user from a radial  
14 direction external to said base to flex said latch arm radially inwardly into said pocket and  
15 release said tabs from engagement with said ledges so that said lid can be pivoted to said  
16 open position,

17 said base having an open pocket behind said skirt to accommodate pivotal  
18 flexing of said latch arm.

15. (Withdrawn)

1           The closure set forth in claim 14 wherein said ledges on said lid, or said tabs  
2   on said latch arm, or both, have cam surfaces to cam said latch arm radially inwardly into  
3   said pocket as said lid is moved toward said closed position.

16. (Original)

1           A child-resistant closure and container package that includes:  
2           a container and a closure secured to said container, said closure comprising:  
3           a base having a deck with a dispensing opening and a peripheral skirt  
4   extending from said deck,  
5           a lid molded integrally with said base and coupled by a hinge to a periphery  
6   of said base so as to be pivotable about said hinge between a closed position overlying  
7   said deck and an open position spaced from said deck,  
8           one of said base and said lid having a latch arm resiliently extending from a  
9   periphery thereof diametrically opposite said hinge, said latch arm having a pair of opposite  
10   extending tabs adjacent to a free end thereof,  
11           the other of said base and said lid having an axial passage for receiving said  
12   latch arm and a pair of laterally spaced ledges in said passage for engagement by said  
13   tabs to lock said lid in said closed position,  
14           said latch arm being directly manually engageable by a user from a radial  
15   direction external to said closure to pivot said latch arm radially inwardly within said  
16   passage and release said tabs from said ledges so that said lid can be pivoted to said  
17   open position.

17. (Original)

1           The package set forth in claim 16 wherein said latch arm resiliently extends  
2   from a periphery of said lid diametrically opposite said hinge, and wherein said passage  
3   in said base is radially open at said skirt.

18. (Original)

1           The package set forth in claim 17 wherein said ledges in said passage  
2   radially open at said skirt such that said latch arm may extend outside of said skirt as said  
3   lid is moved toward said closed position and then snap radially inwardly beneath said  
4   ledges due to resilience of said latch arm and connection between said latch arm and said  
5   lid.

19. (Currently Amended)

1           The package set forth in claim 18 further comprising cam surfaces on said  
2   ledges adjacent to said open passage in said skirt for engagement by said tabs on said  
3   latch arm to cam said latch arm radially outwardly as said lid is moved pivoted toward said  
4   closed position.

20. (Original)

1           The package set forth in claim 18 wherein said lid includes an internal rib on  
2   said latch arm for strengthening resilient coupling of said latch arm to said lid.

**21. (Withdrawn)**

1           The package set forth in claim 16 wherein said latch arm resiliently extends  
2   from said base at a position diametrically opposite said hinge.

**22. (Withdrawn)**

1           The package set forth in claim 21 wherein said latch arm is resiliently coupled  
2   to said skirt at a position spaced from said deck, said base having an open pocket in said  
3   skirt behind said latch arm to accommodate pivotal movement of said latch arm to release  
4   said lid.

**23. (Withdrawn)**

1           The package set forth in claim 22 wherein said ledges on said lid, or said tabs  
2   on said latch arm, or both, have cam surfaces to cam said latch arm radially inwardly into  
3   said pocket as said lid is moved toward said closed position.

**24. (Currently Amended)**

1           The package set forth in claim 17 further comprising cam surfaces on said  
2   ledges, said tabs on said latch arm, or both, for flexing said resilient latch arm to snap said  
3   tabs over said ledges as said lid is ~~moved~~ pivoted toward said closed position.

25. (Original)

1           A child-resistant closure and container package that includes:  
2           a container and a closure secured to said container,  
3           said closure comprising:  
4           a base having a deck with a dispensing opening and a peripheral skirt  
5       extending from said deck,  
6           a lid molded integrally with said base and coupled by a hinge to a periphery  
7       of said base so as to be pivotable about said hinge between a closed position overlying  
8       said deck and an open position spaced from said deck,  
9           a latch arm resiliently coupled to a periphery of said lid diametrically opposite  
10       said hinge, said latch arm being T-shaped having a center leg coupled to said lid and a pair  
11       of tabs extending laterally oppositely from a free end of said leg, and  
12           an axial passage on said base for receiving said latch arm, said passage  
13       being radially open at said skirt and having a pair of laterally spaced ledges for  
14       engagement by said tabs to lock said lid in said closed position,  
15           said latch arm being directly manually engageable by a user from a radial  
16       direction external to said base to flex said latch arm radially inwardly into said passage and  
17       release said tabs from engagement with said ledges so that said lid can be pivoted to said  
18       open position.

26. (Original)

1           The package set forth in claim 25 wherein said ledges in said passage  
2   radially open at said skirt such that said latch arm may extend outside of said skirt as said  
3   lid is moved toward said closed position and then snap radially inwardly beneath said  
4   ledges due to resilience of said latch arm and connection between said latch arm and said  
5   lid.

27. (Currently Amended)

1           The package set forth in claim 26 further comprising cam surfaces on said  
2   skirt adjacent to said open passage in said skirt for engagement by said tabs on said latch  
3   arm to cam said latch arm radially outwardly as said lid is moved pivoted toward said  
4   closed position.

28. (Original)

1           The package set forth in claim 27 wherein said lid includes an internal rib on  
2   said latch arm for strengthening resilient coupling of said latch arm to said lid.

29. (Withdrawn)

1           A child-resistant closure and container package that includes:  
2           a container and a closure secured to said container,  
3           said closure including:  
4           a base having a deck with a dispensing opening and a peripheral skirt  
5   extending from said deck,

6 a lid molded integrally with said base and coupled to said base by a hinge so  
7 as to be pivotable about said hinge between a closed position overlying said deck and an  
8 open position spaced from said deck,

9 a latch arm resiliently coupled to said skirt at a position spaced from said  
10 deck, said latch arm being T-shaped having a center leg coupled to said skirt and a pair  
11 of tabs extending laterally oppositely from a free end of said leg, and

12 an axial passage in said lid for receiving said latch arm, said passage having  
13 a pair of laterally spaced ledges for engagement by said tabs to lock said lid in said closed  
14 position,

15 said latch arm being directly manually engageable by a user from a radial  
16 direction external to said base to flex said latch arm radially inwardly into said pocket and  
17 release said tabs from engagement with said ledges so that said lid can be pivoted to said  
18 open position,

19 said base having an open pocket behind said skirt to accommodate pivotal  
20 flexing of said latch arm.

### 30. (Withdrawn)

1 The package set forth in claim 29 wherein said ledges on said lid, or said tabs  
2 on said latch arm, or both, have cam surfaces to cam said latch arm radially inwardly into  
3 said pocket as said lid is moved toward said closed position.

31. (Withdrawn)

1           A method of making a child-resistant dispensing closure that includes  
2 integrally molding a closure having:

3           a base having a deck with a dispensing opening and a peripheral skirt  
4 extending from said deck,

5           a lid molded integrally with said base and coupled by a hinge to a periphery  
6 of said base so as to be pivotable about said hinge between a closed position overlying  
7 said deck and an open position spaced from said deck,

8           one of said base and said lid having a latch arm resiliently extending from a  
9 periphery thereof diametrically opposite said hinge, said latch arm having a pair of opposite  
10 extending tabs adjacent to a free end thereof,

11          the other of said base and said lid having an axial passage for receiving said  
12 latch arm and a pair of laterally spaced ledges in said passage for engagement by said  
13 tabs to lock said lid in said closed position,

14          said latch arm being directly manually engageable by a user from a radial  
15 direction external to said closure to pivot said latch arm radially inwardly within said  
16 passage and release said tabs from said ledges so that said lid can be pivoted to said  
17 open position.

32. (Withdrawn)

1           The method set forth in claim 31 wherein said latch arm resiliently extends  
2 from a periphery of said lid diametrically opposite said hinge, and wherein said passage  
3 in said base is radially open at said skirt.



**33. (Withdrawn)**

1           The method set forth in claim 32 wherein said ledges in said passage radially  
2 open at said skirt such that said latch arm may extend outside of said skirt as said lid is  
3 moved toward said closed position and then snap radially inwardly beneath said ledges  
4 due to resilience of said latch arm and connection between said latch arm and said lid.

**34. (Withdrawn)**

1           The method set forth in claim 33 further comprising cam surfaces on said  
2 ledges adjacent to said open passage in said skirt for engagement by said tabs on said  
3 latch arm to cam said latch arm radially outwardly as said lid is moved toward said closed  
4 position

**35. (Withdrawn)**

1           The method set forth in claim 33 wherein said lid includes an internal rib on  
2 said latch arm for strengthening resilient coupling of said latch arm to said lid.

**36. (Withdrawn)**

1           The method set forth in claim 31 wherein said latch arm resiliently extends  
2 from said base at a position diametrically opposite said hinge.

**37. (Withdrawn)**

1           The method set forth in claim 36 wherein said latch arm is resiliently coupled  
2   to said skirt at a position spaced from said deck, said base having an open pocket in said  
3   skirt behind said latch arm to accommodate pivotal movement of said latch arm to release  
4   said lid.

**38. (Withdrawn)**

1           The method set forth in claim 37 wherein said ledges on said lid, or said tabs  
2   on said latch arm, or both, have cam surfaces to cam said latch arm radially inwardly into  
3   said pocket as said lid is moved toward said closed position.

**39. (Withdrawn)**

1           The method set forth in claim 31 further comprising cam surfaces on said  
2   ledges, said tabs on said latch arm, or both, for flexing said resilient latch arm to snap said  
3   tabs over said ledges as said lid is moved toward said closed position.

**40. (Currently Amended)**

1           The closure set forth in claim ~~4~~ 1 wherein said base has ribs that extend  
2   radially outwardly from said skirt on opposed sides of said passage.

**41. (Previously Presented)**

1           The closure set forth in claim 2 including indicia on said lid pointing to and  
2           aligned with said latch arm to instruct a user to engage said latch arm.

**42. (New)**

1           A child-resistant closure that includes:  
2           a base having a dispensing opening and a peripheral skirt,  
3           a lid molded integrally with said base and coupled by a hinge to said base to  
4           be pivotable around said hinge between a closed position adjacent to said dispensing  
5           opening and an open position spaced from said dispensing opening,  
6           a latch arm having a first end resiliently coupled to one of said base and said  
7           lid opposite said hinge, said latch arm extending from said first end to a second end that  
8           is wider than said first end,  
9           the other of said base and said lid having an axial passage for receiving said  
10          latch arm, a pair of ledges in said passage for engagement by said latch arm to lock said  
11          lid in said closed position, and radially facing angulated cam surfaces on said ledges,  
12          pivotal movement of said lid toward said closed position bringing said second  
13          end of said latch arm into engagement with said cam surfaces, resiliently flexing said latch  
14          arm radially until said second end of said latch arm registers with said ledges, whereupon  
15          resiliency of said latch arm snaps said latch arm between said ledges,  
16          said latch arm being directly manually engageable by a user from a radial  
17          direction external to said closure to pivot said latch arm radially inwardly within said

18 passage and release said latch arm from said ledges so that said lid can be pivoted toward  
19 said open position.

43. (New)

1 The closure set forth in claim 42 wherein said latch arm has a pair of laterally  
2 extending tabs adjacent to said second end for engagement with said cam surfaces as  
3 said lid is closed and for snap receipt over said ledges in said closed position of said lid.

## **REMARKS**

Claims 1-3, 5-7 and 10-43 are pending in the present application. New claims 42-43 are readable on the embodiment of FIGS. 1-13, and therefore are included among the elected claims of the present application.

Claims 6-7 and 21-23 depend from allowable generic claims, and therefore should also be allowable in the present application.

Turning to the Office Action:

### **Drawings**

Objection has been made to the drawings in that the ribs recited in claim 40 allegedly are not shown in the drawings. However, the Amendment filed October 12, 2004 amended FIGS. 3 and 4 of the drawings to refer to the ribs 90,92 (which were shown in the application drawings as filed but not identified with reference numerals), and a corresponding amendment was made in the application text at page 6 between lines 14 and 15. Therefore, this basis for rejection should be withdrawn.

### **Specification**

The specification has been amended at page 3 to implement the reference numeral correction suggested by the Examiner.

### **Claim Rejections - 35 USC 112**

Claim 40 has been rejected as allegedly reciting new matter. However, the drawings of the application as filed, including particularly FIG. 3, clearly show the ribs extending outwardly from the closure skirt on opposite sides of the passage 68. The Amendment filed October 12, 2004 added reference numerals 90 and 92 to identify these ribs. However, the ribs themselves clearly were shown in the application drawings as filed,

so neither the amendment to the drawings, the corresponding amendment at page 6 of the text nor new claim 40 presents any question of new matter.

**Claim Rejections - Prior Art**

All elected claims of the present application are rejected over Nozawa 5,423,442 combined with Varlet 5,979,681. Reconsideration is respectfully requested. Simply stated, the disclosures of the Nozawa and Varlet patents are directed to completely differing types of closures, and are not combinable in the manner suggested by the Examiner.

Nozawa discloses a dispensing closure having a cover or lid 5 integrally hinged to a body or base 1. There is no child-resistant latch or the like between the lid and the base in Nozawa.

The Varlet reference discloses a completely different type of closure. Varlet FIG. 2a, for example, illustrates a closure 14 coupled to a transition piece 12 by breakable spurs 40. The transition piece 12 is attached to the upper portion of the container and is non-rotatable with respect to the container (column 3, lines 18-19 and 44-47). The closure 14, on the other hand, is threadably removable from the container neck finish (column 4, lines 28-44). Thus, in FIG. 1, the closure 14 rotatably engages the external threads 22 on the container neck finish while the transition piece 12 non-rotatably engages the shoulder portion 18 of the container. There is a pushtab 30 that must be engaged by the user's hand that simultaneously grasps the transition piece 12 to permit unthreading of the closure 14 and simultaneous rupture of the spurs 40 (column 4, lines 37-44). FIGS. 2b and 3b show T-shaped pushtabs 230. However, the mode of operation is the same, which is to say that the pushtab must be pushed inward to permit the closure to be unthreaded from

the container neck finish and simultaneously ruptured from the transition piece that itself does not move.

The disclosure of Varlet thus does not involve a closure that includes a lid integrally hinged to a base. The closure 14 or 214 in Varlet does not pivot with respect to the transition piece 12 or 212 between open and closed positions. In other words, the disclosures of Nozawa and Varlet are directed to completely differing types of closures and are not combinable in the manner suggested by the Examiner.

**Amended Independent Claim 1, and Dependent Claims 2-3, 5-7 and 40-41**

Amended independent claim 1 recites a child-resistant closure that includes a base having a dispensing opening and a peripheral skirt, and a lid integrally molded with the base and coupled by a hinge to the base so as to be pivotable about the hinge between a closed position adjacent to the dispensing opening and an open position spaced from the dispensing opening. One of the base and the lid has a latch arm resiliently extending from a periphery thereof diametrically opposite the hinge. The latch arm has a pair of oppositely extending tabs extending from a free end of the latch arm. The other of the base and the lid has an axial passage for receiving the latch arm and a pair of laterally spaced ledges in the passage for engagement by the tabs to lock the lid in the closed position. The latch arm is directly manually engageable by a user from a direction external to the closure to pivot the latch arm radially inwardly within the passage and release the tabs from the ledges so that the lid can be pivoted to the open position. Cam surfaces on the ledges, the tabs on the latch arm, or both, flex the resilient latch arm to snap the tabs over the ledges as the lid is pivoted toward the closed position.

As noted above, the disclosure of Varlet does not involve any pivoting of the closure 214 with respect to the transition element 212. To remove the closure 214, the closure 214 must be rotated with respect to the transition element 212. There is no discussion in Varlet regarding reapplication of the closure 214, or more particularly how the closure 214 would clear the pushtab 230 during such threaded reapplication of the closure. There certainly is nothing in Varlet to suggest provision of any cam surfaces on the arms 237 and/or the lateral extensions 234 to facilitate such threaded reapplication of closure 214. Thus, amended claim 1 clearly is allowable over Nozawa and Varlet, which are not really combinable as previously noted.

Claims 2-3, 5-7 and 40-41 are allowable both by reason of dependency from claim 1 and because of the additional novel limitations set forth therein. For example, claim 40 recites ribs 90, 92 (amended FIG. 3) on opposite sides of recess 68. These ribs help prevent unintended engagement of the latch element, such as by a child's teeth. Claim 41 recites indicia 94 (amended FIG. 1) on the lid to instruct a user to engage the latch arm. These features are neither disclosed nor suggested in the cited art.

#### **Independent Claim 10 and Dependent Claims 11-13**

Independent claim 10 recites a child-resistant dispensing closure having a base and a lid integrally molded with the base and coupled to the base by a pivot hinge. A T-shaped latch arm extends from a periphery of the lid and engages laterally spaced ledges in an axial passage on the base. The latch arm is directly manually engageable by a user from a radial direction external to the base to flex the latch arm radially inwardly into the passage and release the tabs from engagement with the ledges so that the lid can be pivoted to the open position with respect to the base. Claims 11-13 recite additional



details, including particularly the cam surfaces on the skirt recited in claim 12 for engagement with the tabs as the lid is pivoted toward the closed position. Although Varlet discloses a T-shaped latch element in FIG. 3b coupled to the closure 214, this disclosure is not in an environment even remotely related to a lid hinged to the base of a dispensing closure, which is again to say that the Varlet reference is not combinable with Nozawa to teach or suggest the subject matter of claim 10 and its dependent claims.

**Independent Claim 16 with Dependent Claims 17-24**

These claims are directed to a package that includes a child-resistant closure and a container. The claims are allowable for reasons discussed in detail above.

**Independent Claim 25 and Dependent Claims 26-28**

These claims are directed to a child-resistant closure and container package, and are allowable for reasons discussed in detail above.

**New Independent Claim 42 and Dependent Claim 43**

New independent claim 42 recites a child-resistant closure that includes a base having a dispensing opening and a peripheral skirt. A lid is molded integrally with the base and coupled by a hinge to the base so as to be pivotable around a hinge between a closed position adjacent to dispensing opening and an open position spaced from the dispensing opening. A latch arm has a first end resiliently coupled to one of the base and the lid. The latch arm extends from the first end to a second end that is wider than the first end. The other of the base and the lid has an axial passage for receiving the latch arm, a pair of laterally spaced ledges in the passage for engagement by the latch arm to lock the lid in the closed position, and radially facing angulated cam surfaces on the ledges. (This claim language is supported at page 5, line 8+ of the application text). Pivoting of the

lid toward the closed position brings the second end of the latch arm into engagement with the cam surfaces, resiliently flexing the latch arm radially until the second end of the latch arm registers with the ledges, whereupon resiliency of the latch arm snaps the latch arm between the ledges. The latch arm is directly manually engageable by a user from a radial direction external to the closure to pivot the latch arm radially inwardly within the passage and release the latch arm from the ledges so that the lid can be pivoted to the open position. Dependent claim 43 recites that the latch arm has a pair of laterally extending tabs adjacent to the second end of the arm for engagement with the cam surfaces as the lid is closed for snap receipt over the ledges in the closed position of the lid. As previously discussed in detail, the disclosures of Nozawa and Varlet are not combinable to suggest a closure having a lid pivotally coupled to a base by an integral hinge and having a child-resistant latch arm extending from the lid or the base. Furthermore, these references do not even remotely suggest cam surfaces to cam the latch arm as the lid is closed so that resiliency of the latch arm snaps the latch arm over the ledges as the lid becomes fully closed. Thus, new claims 42-43 clearly are allowable over the Nozawa and Varlet references.

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It therefore is believed and respectfully submitted that all claims 1-3, 5-7, 10-13, 16-28 and 40-43 are allowable at this time, and favorable action is respectfully solicited.

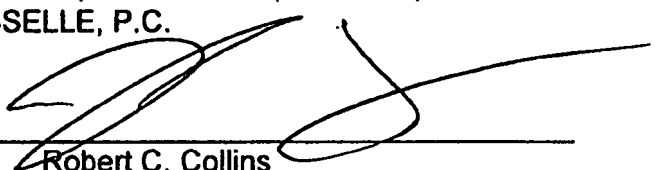
Attention is directed to the Supplemental Information Disclosure Statement filed August 8, 2006.

Please charge any fees associated with this submission to Account No. 15-0875 (Owens-Illinois).

Respectfully submitted,

REISING, ETHINGTON, BARNES,  
KISSELLE, P.C.

By

A handwritten signature in black ink, appearing to be 'Robert C. Collins', written over a horizontal line.

Robert C. Collins

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